

BRIAN E. WASHINGTON, COUNTY COUNSEL  
Brandon W. Halter, Deputy, SBN 289687  
3501 Civic Center Drive, Ste. 275  
San Rafael, CA 94903  
Tel.: (415) 473-6117  
Fax: (415) 473-3796  
bhalter@marincounty.org

Attorneys for Defendant  
COUNTY OF MARIN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SEAPLANE ADVENTURES, LLC, a California  
Limited Liability Company

Plaintiff,

v.

COUNTY OF MARIN, CALIFORNIA; AND  
DOES 1 THROUGH 10, Inclusive,

Defendant.

Case No.: 20-cv-06222-WHA

**DECLARATION OF BRANDON W.  
HALTER IN SUPPORT OF DEFENDANT  
COUNTY OF MARIN'S MOTION FOR  
SUMMARY JUDGMENT**

Complaint filed: September 2, 2020

Date: October 7, 2021  
Time: 8:00 AM  
Judge: Honorable William Alsup  
Dept: Courtroom 12, 19<sup>th</sup> Floor

I, BRANDON W. HALTER, declare as follows:

1. I am a Deputy County Counsel in the Office of the County Counsel, attorneys of record for Defendant County of Marin ("County"). I am licensed to practice law in the State of California and before this court, and submit this declaration in support of County's motion for summary judgment. I have personal knowledge of the contents of this declaration, except as to any matters stated on information and belief, and as to those matters, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters set forth in this declaration.

2. Attached hereto as Exhibit 9 is a true and correct copy of selected excerpts of the transcript of the August 9, 2021 deposition of Marin County Parks Director Max Korten, who testified as a representative of County in that deposition pursuant to Federal Rule of Civil Procedure 30(b)(6).

3. Attached hereto as Exhibit 10 is a true and correct copy of selected excerpts of the transcript of the first day of the deposition of Aaron Singer, who testified as a representative of Plaintiff Seaplane Adventures, LLC in that deposition pursuant to Federal Rule of Civil Procedure 30(b)(6), on August 4, 2021.

4. Attached hereto as Exhibit 11 is a true and correct copy of selected excerpts of the transcript of the second day of the deposition of Aaron Singer, who testified as a representative of Plaintiff Seaplane Adventures, LLC in that deposition pursuant to Federal Rule of Civil Procedure 30(b)(6), on August 11, 2021.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and accurate to the best of my knowledge

Executed on September 1, 2021, in San Rafael, California.

By:

  
Brandon W. Halter

# EXHIBIT 9

***CERTIFIED TRANSCRIPT OF:***

**Seaplane Adventures, LLC vs. County of Marin**

**MAX KORTEN - PMK**

**Volume 1**

**Date: August 9, 2021**

**Reported by: Amanda Kallas**



**117 Paul Drive, Suite A San Rafael, CA 94903-2010**

**Main Office: 415-472-2361**

**[depos@westcoastreporters.net](mailto:depos@westcoastreporters.net)   [www.westcoastreporters.net](http://www.westcoastreporters.net)**

<p style="text-align: right;">Page 13</p> <p>1 to refer to Bates Stamp Nos. COM0001 through 000219. And</p> <p>2 I'm going slowly intentionally here, 0008243 through 8378.</p> <p>3 (Exhibit A was</p> <p>4 marked for identification.)</p> <p>5 BY MR. SHARP:</p> <p>6 Q Do you have those available to you, Mr. Korten?</p> <p>7 MR. HALTER: So, John, if I may, not to</p> <p>8 interrupt, but I -- I can -- if you're getting at whether</p> <p>9 or not Mr. Korten can display them, I'm -- I'm ready to</p> <p>10 display them now. I think that might be easier than</p> <p>11 having Mr. Korten display them, if that's where you're</p> <p>12 headed.</p> <p>13 MR. SHARP: Okay. I -- yes, I have some general</p> <p>14 questions about the health orders, and I will represent</p> <p>15 that that's -- well, I won't represent. I think that's</p> <p>16 where they are in the 8,000 pages of Bates-stamped stuff.</p> <p>17 MR. HALTER: So, everyone, I am now showing a</p> <p>18 large PDF that we had previously produced to plaintiff in</p> <p>19 this matter. This is marked COM1 through 1186, and so the</p> <p>20 first Bates range that Mr. Sharp just identified should be</p> <p>21 within this document. And then we can go on to the -- to</p> <p>22 the other PDF with the 8,000s later as we move through</p> <p>23 Mr. Sharp's questions, if that works for Mr. Sharp.</p> <p>24 MR. SHARP: That works for me. And thank you,</p> <p>25 Brandon. I appreciate the cooperation.</p>	<p style="text-align: right;">Page 15</p> <p>1 that. But -- but, yes, the -- at least related to more</p> <p>2 general orders, that seems like the -- the timeline.</p> <p>3 Q At some point, did it fall within your duties as</p> <p>4 director to administer some aspect of the health orders in</p> <p>5 general?</p> <p>6 MR. HALTER: I'm just going to assert an</p> <p>7 objection on vagueness.</p> <p>8 Go ahead, Max.</p> <p>9 THE WITNESS: Yeah, I -- it -- you know, at -- at</p> <p>10 a certain point, I took on a role related to the -- to the</p> <p>11 health order development.</p> <p>12 BY MR. SHARP:</p> <p>13 Q Okay. Do you know when that point was? I'm not</p> <p>14 going to hold you to a specific date, but if -- here's an</p> <p>15 example of your best estimate.</p> <p>16 A I don't remember exactly when I started that</p> <p>17 role. But, you know, it was -- it was probably around</p> <p>18 April or May of 2020.</p> <p>19 Q And what was that role?</p> <p>20 A So, it was helping to manage the Marin Recovers</p> <p>21 effort.</p> <p>22 (Stenographer requested clarification.)</p> <p>23 THE WITNESS: Marin Recovers. So being a liaison</p> <p>24 between the business community and our public health</p> <p>25 officer and to help --</p>
<p style="text-align: right;">Page 14</p> <p>1 MR. HALTER: Sure.</p> <p>2 BY MR. SHARP:</p> <p>3 Q So my question for you is:</p> <p>4 You see that order of the health officer of the</p> <p>5 County of Marin generally requiring members of the public</p> <p>6 and workers to wear face coverings; correct?</p> <p>7 A Correct.</p> <p>8 Q What I'm after here is, there's a date there,</p> <p>9 April 17, 2020. To the best of your knowledge, is that</p> <p>10 around the time that the County initially adopted a health</p> <p>11 order under the -- under the CoVid designation?</p> <p>12 A I'm sorry, I just want to understand. Is your</p> <p>13 question whether this was the first CoVid-related health</p> <p>14 order?</p> <p>15 Q That's a better question than the one I asked. I</p> <p>16 butchered the question, so yes.</p> <p>17 A I'm -- I'm not sure whether that is -- this is</p> <p>18 the first one or not.</p> <p>19 Q Okay. I'm not trying to hold you to the date.</p> <p>20 I'm just trying to generally place in time when the County</p> <p>21 started issuing health orders.</p> <p>22 Fair to say, March and/or April of last year,</p> <p>23 2020?</p> <p>24 A Yeah. There -- there may have been some</p> <p>25 CoVid-related health orders regarding reporting prior to</p>	<p style="text-align: right;">Page 16</p> <p>1 (Stenographer requested clarification.)</p> <p>2 THE WITNESS: Sorry, what's that?</p> <p>3 (Stenographer requested clarification.)</p> <p>4 THE WITNESS: Initially work with big groups of</p> <p>5 businesses to help inform and develop the initial guidance</p> <p>6 for reopening businesses.</p> <p>7 BY MR. SHARP:</p> <p>8 Q Okay. Would you describe, to the best of your</p> <p>9 ability, your specific assigned task within the context of</p> <p>10 business recovery and -- in Marin County in -- you know,</p> <p>11 with the subcontext of CoVid? I'm not sure which one is</p> <p>12 sub or not, but you understand my question?</p> <p>13 A I think so.</p> <p>14 The way -- initially, my task was to manage an</p> <p>15 effort to convene groups and facilitate a process to</p> <p>16 develop a guidance to allow different sectors of</p> <p>17 businesses to reopen that -- that we could -- that I could</p> <p>18 then present to the public health officer to decide</p> <p>19 whether those sectors could reopen.</p> <p>20 And then later, my role changed when the State</p> <p>21 took on the lead of developing the guidance, and at that</p> <p>22 point, my role was businesses, understand the State</p> <p>23 guidance, and working with a public health officer and our</p> <p>24 public information officer to provide assistance and</p> <p>25 information to our local business community.</p>

<p style="text-align: right;">Page 17</p> <p>1 Q Thank you.</p> <p>2 Public health officer is Dr. Matt Willis;</p> <p>3 correct?</p> <p>4 A Correct.</p> <p>5 Q Was and still is for the duration, so far anyway,</p> <p>6 of the CoVid pandemic; correct?</p> <p>7 A Correct, yes.</p> <p>8 Q And you mentioned another individual, and I don't</p> <p>9 remember the title, but was -- was there somebody else in</p> <p>10 that -- in that chain of authority regarding trying to</p> <p>11 institute reopening of businesses? I think you said</p> <p>12 information officer. I'm sorry to interrupt you, but...</p> <p>13 A Yeah. I think what I was saying is that later</p> <p>14 on, as the State took on the lead of providing the</p> <p>15 guidance for businesses, I was working with our public</p> <p>16 information officer to provide information to businesses</p> <p>17 about how to comply with the State's order.</p> <p>18 Q Okay. And who's -- who's the public information</p> <p>19 officer?</p> <p>20 A Laine Hendricks is the information officer.</p> <p>21 Q Thank you.</p> <p>22 When you were originally tasked with assisting in</p> <p>23 the -- in the business reopening process, if I'm</p> <p>24 describing that correctly, who -- who did you answer to?</p> <p>25 Was that Dr. Willis?</p>	<p style="text-align: right;">Page 19</p> <p>1 needed attention?</p> <p>2 MR. HALTER: Objection. Vague as to body.</p> <p>3 But if you understand, Max, go ahead.</p> <p>4 THE WITNESS: Sure. Yeah, I think so.</p> <p>5 We initially identified, you know, some</p> <p>6 businesses -- types of businesses that came to mind. But</p> <p>7 we also developed a steering committee that included the</p> <p>8 local Chambers of Commerce and business leaders, ran</p> <p>9 economic forum and others that helped us both identify the</p> <p>10 sectors within the Marin economy, and then also connected</p> <p>11 us with leaders within those sectors to help inform a</p> <p>12 guidance.</p> <p>13 BY MR. SHARP:</p> <p>14 Q Thank you.</p> <p>15 All right. I'm referring again to the -- to the</p> <p>16 health orders, and I'm referring to them generally. I</p> <p>17 know there are many of them, and I don't need to take you</p> <p>18 through each one right now.</p> <p>19 But do you have an awareness of how the health</p> <p>20 orders themselves were disseminated in the business</p> <p>21 communities in Marin County?</p> <p>22 A Yes.</p> <p>23 Q That fell within the purview of your tasks as</p> <p>24 director?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 18</p> <p>1 A So I -- I worked with Dr. Willis. I report to</p> <p>2 the full Board of Supervisors.</p> <p>3 Q Okay. And fair enough to say that from time to</p> <p>4 time during the board's regular Tuesday meetings in -- and</p> <p>5 over the course of the past 18 or 20 months, there would</p> <p>6 be an agenda item to do with business reopening?</p> <p>7 A I believe that at least one, and that was where</p> <p>8 we brought the initial framework for how we were going to</p> <p>9 get input and develop the initial guidance. And we</p> <p>10 brought -- I -- I believe we brought that to the Board of</p> <p>11 Supervisors as an information item.</p> <p>12 Q Okay. You talked about identifying sectors of</p> <p>13 business for reopening.</p> <p>14 Did I understand that correctly?</p> <p>15 A Yeah. I -- we -- I -- it was identifying sectors</p> <p>16 and then convening -- facilitating groups to help develop</p> <p>17 guidance for those sectors.</p> <p>18 Q Public and private groups?</p> <p>19 A You mean -- I'm sorry, I -- I -- I'm -- I don't</p> <p>20 totally understand the question.</p> <p>21 Q That's okay. Let me -- I'm going to strike that</p> <p>22 for right now.</p> <p>23 So when you talk about sectors, can you -- can</p> <p>24 you define for me how -- how the body that you're -- that</p> <p>25 you are referencing identified sectors of business that</p>	<p style="text-align: right;">Page 20</p> <p>1 Q Would you describe that process for me, please.</p> <p>2 A Yeah. So the -- the orders were posted on the</p> <p>3 on -- on a Marin County website.</p> <p>4 And additionally, we created a site -- our public</p> <p>5 information officer created a site called Marin Recovers</p> <p>6 that had a section called Guidance for Businesses where</p> <p>7 business -- you could look at different sectors and find</p> <p>8 the guidance for businesses.</p> <p>9 And additionally, we utilized groups like the</p> <p>10 Chambers of Commerce and partners in the cities and towns</p> <p>11 to help get information out about the public health</p> <p>12 orders.</p> <p>13 Q Thank you.</p> <p>14 You know what I'm referring to when I use the</p> <p>15 term "essential services" within the context of CoVid</p> <p>16 orders or health orders?</p> <p>17 A Yes.</p> <p>18 Q Okay. Were you involved in decision-making as to</p> <p>19 what businesses were or were not deemed essential services</p> <p>20 in the various iterations of the health orders?</p> <p>21 A The way that the health orders are constructed,</p> <p>22 they don't -- they specify kinds of businesses, not the</p> <p>23 businesses themselves. But I played a role in developing</p> <p>24 the guidance. Of course, Dr. Willis was the</p> <p>25 decision-maker on the orders.</p>

# EXHIBIT 10

***CERTIFIED TRANSCRIPT OF:***

**Seaplane Adventures, LLC vs. County of Marin**

**SAUL AARON SINGER**

**Date: August 4, 2021**

**Reported by: Amanda Kallas**



**117 Paul Drive, Suite A San Rafael, CA 94903-2010**

**Main Office: 415-472-2361**

**depos@westcoastreporters.net    www.westcoastreporters.net**

<p>Page 89</p> <p>1 Q Okay. And that's EIDL?</p> <p>2 A EIDL, I believe.</p> <p>3 Q Do you recall when you filled this one out?</p> <p>4 A About the same time.</p> <p>5 Q It's --</p> <p>6 A Well, it says there it had to be done by December</p> <p>7 of 2020.</p> <p>8 Q Did you fill out this application?</p> <p>9 A Or okay, there it is.</p> <p>10 Yes, I filled it out.</p> <p>11 Q And there's a date on the top here, as I've</p> <p>12 highlighted, is the -- is showing a date received of</p> <p>13 March 23rd, 2020.</p> <p>14 Does that sound about right in terms of when you</p> <p>15 remember submitting this?</p> <p>16 A That sounds about right.</p> <p>17 Q Box No. 12 down here that I'm showing you, asks</p> <p>18 for the number of employees. You indicated ten; is that</p> <p>19 right?</p> <p>20 A That's right.</p> <p>21 Q Box 18B was checked (reading):</p> <p>22 Does the business or a listed</p> <p>23 owner have any outstanding judgments,</p> <p>24 tax liens, or pending lawsuits against</p> <p>25 them?</p>	<p>Page 91</p> <p>1 If I wanted to track that down, would your bank</p> <p>2 records show evidence of when you received that \$450,000?</p> <p>3 A Yes, they would.</p> <p>4 Q And you have access to those bank records today?</p> <p>5 A I do -- well, I -- I have electronic access to</p> <p>6 the bank account.</p> <p>7 Q Do you recall, as you sit here today, what sorts</p> <p>8 of ways you used the \$450,000 from this application?</p> <p>9 A To pay debt and overhead, insurance, rent.</p> <p>10 The -- once we were running again in -- in June, employees</p> <p>11 and...</p> <p>12 Q Is it fair to say that in general you used the</p> <p>13 funding from this EIDL as well as the PPP loan to fund the</p> <p>14 same sorts of business operations and expenses related to</p> <p>15 the business that you would have otherwise used your</p> <p>16 revenues for?</p> <p>17 A Precisely.</p> <p>18 Q Now, at some point in advance of June 5th --</p> <p>19 well, scratch that.</p> <p>20 How far in advance of June 5th did you make the</p> <p>21 decision to resume operations?</p> <p>22 A Restate the question. I'm sorry.</p> <p>23 Q You resumed -- Seaplane resumed operations of one</p> <p>24 form or other on June 5th, 2020; is that right?</p> <p>25 A That's correct.</p>
<p>Page 90</p> <p>1 You indicated yes.</p> <p>2 Do you recall why that is?</p> <p>3 A We were named in a injury lawsuit on the grounds</p> <p>4 here at the -- the Marina. That was dropped. They</p> <p>5 just -- they named us because they were suing the -- the</p> <p>6 insurance company was suing Commodore Marina, and they</p> <p>7 named Seaplane Adventures, but we were dropped.</p> <p>8 (Stenographer requested clarification.)</p> <p>9 THE WITNESS: Commodore Marina.</p> <p>10 BY MR. HALTER:</p> <p>11 Q Commodore, like the naval title, I think.</p> <p>12 A Yes. C-O-M-M-O-D-O-R-E.</p> <p>13 Q And you said you submitted this application; is</p> <p>14 that right?</p> <p>15 A That's correct.</p> <p>16 Q And did you receive any funds as a result?</p> <p>17 A We did.</p> <p>18 Q How much did you receive?</p> <p>19 A 450,000.</p> <p>20 Q Do you recall when you received that?</p> <p>21 A I don't.</p> <p>22 Q Was it in 2020?</p> <p>23 A I don't recall the exact date that it hit. It</p> <p>24 was an -- again, a long process.</p> <p>25 Q And I guess same question:</p>	<p>Page 92</p> <p>1 Q Now we'll get to what kind of operations you</p> <p>2 resumed in a second, but what I want to find out is:</p> <p>3 When did you make the decision to resume some</p> <p>4 kind of operation on June 5th?</p> <p>5 A After the opening of a number of different</p> <p>6 categories of the economy.</p> <p>7 Q Do you recall how far in advance from June 5th</p> <p>8 you made the decision to reopen that day?</p> <p>9 A It was -- it was maybe the -- the week before.</p> <p>10 It was -- it was pretty quick.</p> <p>11 Q So --</p> <p>12 A We've been -- we had been -- as I mentioned, we</p> <p>13 had been planning and ready to reopen.</p> <p>14 Q And so in your recollection, there was maybe a</p> <p>15 week in between you finding out that you would be</p> <p>16 reopening and then actually reopening; is that right?</p> <p>17 A That's correct.</p> <p>18 Q Could it have been less time than that, or was it</p> <p>19 in your memory about a week?</p> <p>20 A I -- I can't be precise.</p> <p>21 Q Now, when you reopened -- well, scratch that.</p> <p>22 In that period between deciding to reopen and</p> <p>23 reopening on June 5th, what did you do to prepare for</p> <p>24 reopening?</p> <p>25 A Well, we got all of our systems back in order</p>

<p style="text-align: right;">Page 109</p> <p>1 up. You know, as we said, we -- you know, when we opened 2 on June 6th, we didn't have any reservations, so we had 3 already -- you know, it took some time to get ramped up 4 again. 5 So by the end of June, our demand was -- was 6 quite good, and -- and we had done almost half of that -- 7 you know, what would be normal for the business. 8 Q And as you can imagine, what I'm trying to 9 identify is, was any of that percentage drop attributable 10 to other variables, beyond the variable that you had to 11 reopen without having had any previous bookings on June 12 5th? For example, the wider world was still dealing with 13 the pandemic. 14 Do you have any more detailed information about 15 the rate at which you received reservations in this 16 period? 17 A None other than what I furnished. 18 Q And you never heard anything from -- or did you 19 ever hear anything from customers or potential customers 20 that they would have -- that anyone would have taken more 21 or would have taken flights absent the CoVid-19 22 circumstances that they chose not to take because of CoVid 23 in June 2020? 24 A I'm sorry, I did not understand that question. 25 Q What I'm trying to understand is whether you ever</p>	<p style="text-align: right;">Page 111</p> <p>1 summer. 2 Q From June 5th to July 3rd, and obviously 3 that's -- that's a date we're going to talk about in some 4 depth as well. But from June 5th to July 3rd, did 5 Seaplane limit its operations in any way due to -- due to 6 any order from the County? 7 A I'm sorry, say that one more time. 8 Q From June 5th, 2020, to July 3rd, 2020, did 9 Seaplane limit its operations in any way due to any order, 10 any health order from the County? 11 A No. 12 MR. HALTER: I'm going to show you -- I think 13 it's actually still up on your screen. What is -- what 14 I've previously marked as Exhibit No. 9. 15 (Exhibit 9 was 16 marked for identification.) 17 BY MR. HALTER: 18 Q Do you see that on your screen? 19 A I do. 20 Q Do you recognize this document? 21 A I do. 22 Q What is this document? 23 A That was an email from Sergeant Schneider from 24 the county sheriff. 25 Q And I'll -- I'll just briefly scroll down the</p>
<p style="text-align: right;">Page 110</p> <p>1 heard from any customers or potential customers that they 2 would have booked flights with you in June 2020 but didn't 3 because of CoVid? 4 A No, we did not hear that. The economy and large 5 parts of the economy were reopening at that time. 6 Q Do you have any contacts with other businesses in 7 the, you know, charter flight community or flight tour 8 community? 9 A Can you be more specific with your question? I 10 mean, of course I know people. 11 Q Sure. What I'm -- what I'm trying to get at is, 12 did you communicate with other people who were, you know, 13 also providing similar services, you know, somewhere 14 else -- 15 A No. 16 Q -- during this period? 17 Okay. Because as you mentioned, parts of the 18 economy were opening up, but parts of the economy, even 19 though they were opening up, were still struggling with 20 demand because of CoVid. And it sounds like from your 21 perspective, you saw no indication whatsoever that your 22 business -- the demand for your services in June 2020 was 23 impacted by the wider CoVid-19 pandemic? 24 A No. And in fact, we found people to be very 25 enthusiastic about the opening of the economy during the</p>	<p style="text-align: right;">Page 112</p> <p>1 whole thing, so you can see this is a chain. It starts 2 with an email from Sergeant Schneider to you. This is on 3 June 11th. 4 Do you see that? 5 A Yup. 6 Q Do you recall that email? 7 A Yes. 8 Q And then you respond to Sergeant Schneider on 9 June 12th. 10 You recall sending this email? 11 A I do. 12 Q And then Sergeant Schneider responds on 13 June 15th. 14 Do you remember receiving this email? 15 A I do. 16 Q Under the -- the -- the -- the bolded text, our 17 position, from Sergeant Schneider, there's two bullets 18 there. What was your general understanding of what 19 Sergeant Schneider meant by these two bullets? 20 MR. SHARP: Well, I'll object to the extent it 21 calls for speculation on Mr. Singer's part. 22 But he can answer, if he has an understanding. 23 THE WITNESS: I'm not sure you want to ask a 24 seaplane pilot for a legal opinion. 25 //</p>

<p style="text-align: right;">Page 113</p> <p>1 BY MR. HALTER:</p> <p>2 Q Yeah. I don't -- if you want to offer one,</p> <p>3 that's up to you. I really -- I really just want to know</p> <p>4 what -- how did -- what did you understand him to mean</p> <p>5 when he was writing these two words? And I'm not trying</p> <p>6 to trick you into a legal conclusion of some -- of some</p> <p>7 kind. I'm just talking to you as the guy who received</p> <p>8 this email.</p> <p>9 A Well, I'm regulated by the Federal Aviation</p> <p>10 Administration, not by the County of Marin. Certainly not</p> <p>11 by the sheriff's office.</p> <p>12 Q Okay. But I'm wondering -- and that's fine. But</p> <p>13 I think you actually wrote that down in -- somewhere in</p> <p>14 this email chain.</p> <p>15 A Oh, we did.</p> <p>16 Q But what I'm asking you is what -- what did you</p> <p>17 understand Mr. Schneider to be saying to you in these</p> <p>18 first two bullets?</p> <p>19 A He was complaining that neighbors were</p> <p>20 complaining, and he was telling me that I had to cease</p> <p>21 operations.</p> <p>22 Q Okay. And that's what --</p> <p>23 A And he was telling -- and he was telling me what</p> <p>24 kind of a business I was. And, again, I'm regulated by</p> <p>25 the Federal Aviation Administration as a Part 135 air</p>	<p style="text-align: right;">Page 115</p> <p>1 alleging.</p> <p>2 Q So this is on June 15th. On July 3rd, you</p> <p>3 received a visit from the sheriff's office, and we'll get</p> <p>4 to that in a second. But did you limit your operations in</p> <p>5 any way in response to this email that's Exhibit 9 from</p> <p>6 Bren -- from Sergeant Schneider?</p> <p>7 A No, I did not.</p> <p>8 Q For that visit on July 3rd, the -- you were</p> <p>9 visited by a sheriff's deputy; right?</p> <p>10 A That's correct.</p> <p>11 Q And he threatened to fine you for certain kinds</p> <p>12 of flights; is that right?</p> <p>13 A That's correct. No, not certain kinds of</p> <p>14 flights. He threatened to fine me if I flew. And he</p> <p>15 threatened to fine me \$10,000 for every flight that I took</p> <p>16 from that moment on.</p> <p>17 Q That \$10,000 figure kind of confused me because</p> <p>18 when I -- when I saw the video, and my understanding was</p> <p>19 separate and apart from that, that the -- the fine was</p> <p>20 \$1,000. But your -- your recommended -- your recollection</p> <p>21 is that it was \$10,000?</p> <p>22 A That is my recollection.</p> <p>23 Q Have you reviewed that -- that video, either the</p> <p>24 videos produced by Seaplane or the video we produced in</p> <p>25 connection with that interaction?</p>
<p style="text-align: right;">Page 114</p> <p>1 carrier. It's simple as that. I've been through this</p> <p>2 with the County now for years.</p> <p>3 Q And so what -- the part about restricting your</p> <p>4 operations is really what I want to get into because</p> <p>5 you -- it writes (reading):</p> <p>6 Scenic tours and/or leisure</p> <p>7 travel services are not expressly called</p> <p>8 out as an allowed additional business.</p> <p>9 But (reading continued):</p> <p>10 However, to the extent your</p> <p>11 business provides flights for limited</p> <p>12 authorized travel purposes, i.e., not</p> <p>13 sightseeing or leisure travel to</p> <p>14 Lake Tahoe, you can provide passengers</p> <p>15 with flights that allow for essential</p> <p>16 travel.</p> <p>17 And I'm -- I'm quoting certain parts of that,</p> <p>18 but --</p> <p>19 A And I'm not sure what leisure travel services</p> <p>20 mean. The Federal Aviation Administration does not define</p> <p>21 any part of my business as leisure travel services. I'm a</p> <p>22 Part 135 air carrier.</p> <p>23 Q So did you understand this email to mean that you</p> <p>24 couldn't provide any flights at all?</p> <p>25 A I understood that email as that is what he was</p>	<p style="text-align: right;">Page 116</p> <p>1 A I have not seen that actually in a long time.</p> <p>2 Q Okay. What did you do in terms of your</p> <p>3 operations once you received that visit from the sheriff</p> <p>4 on July 3rd?</p> <p>5 A Well, under threat of extreme economic penalty,</p> <p>6 and further threat that if I continued, I would be</p> <p>7 arrested, I shut down.</p> <p>8 Q Did you have any interactions with the sheriff's</p> <p>9 office in person other than that interaction on July 3rd</p> <p>10 that was the subject of those videos?</p> <p>11 A Not in person.</p> <p>12 Q What other interactions did you have with the</p> <p>13 sheriff's office related to the County health orders</p> <p>14 beyond that July 3rd in-person interaction?</p> <p>15 A I got another call from the sheriff's office the</p> <p>16 following day, saying that they had understood that I was</p> <p>17 going to be flying family members posing -- or -- or that</p> <p>18 I was going to be flying customers posing as family</p> <p>19 members. And that they threatened to come here and</p> <p>20 interview customers as they were coming off the airplane.</p> <p>21 Q Do you recall who it was that called you?</p> <p>22 A I don't.</p> <p>23 Q Do you recall any other information about that</p> <p>24 person, such as title or department or...</p> <p>25 A It's a sheriff.</p>

<p style="text-align: right;">Page 165</p> <p>1 BY MR. HALTER:</p> <p>2 Q -- Mr. Singer, I just want to know like a date</p> <p>3 and time.</p> <p>4 A I don't know.</p> <p>5 MR. SHARP: And we're not waiving any privilege.</p> <p>6 If he recalls, fine, but...</p> <p>7 BY MR. HALTER:</p> <p>8 Q Oh, yeah, definitely don't -- don't tell me</p> <p>9 anything that you had -- any conversations you had with</p> <p>10 Mr. -- with your counsel. I'm just trying to get a sense</p> <p>11 of when you saw this document for the first time.</p> <p>12 A Actually, now -- now that I'm reading this a</p> <p>13 little more closely, I thought this was a -- a letter that</p> <p>14 John had sent. So I don't actually recognize this</p> <p>15 document. That's not saying I haven't seen it, but I</p> <p>16 don't recognize it.</p> <p>17 Q Okay. All right. Well, I think my -- my</p> <p>18 exercises will thwart it.</p> <p>19 All right. Let's move on from that then.</p> <p>20 So what -- in general, what did Seaplane and its</p> <p>21 employees and owners do for July and August with respect</p> <p>22 to operating the business?</p> <p>23 A Well, it was me. And there wasn't much to do</p> <p>24 except to figure out how to survive.</p> <p>25 Q And what did you do to figure out how to survive?</p>	<p style="text-align: right;">Page 167</p> <p>1 Q What sort of communications, if any, did you get</p> <p>2 from customers in this time frame after -- meaning</p> <p>3 July 4th to the end of August 2020?</p> <p>4 A Lots of phone calls wondering if we were open,</p> <p>5 what was happening.</p> <p>6 Q How did you respond to those phone calls,</p> <p>7 generally?</p> <p>8 A At some point, you know, we -- we tried</p> <p>9 responding to people, and at some point we just put</p> <p>10 something up on the website.</p> <p>11 Q On August 31st, aviation services were added to</p> <p>12 that Appendix C-1 to the County health orders. And that</p> <p>13 order allowed -- in your interpretation, allowed you to</p> <p>14 resume operations; is that right?</p> <p>15 A That is correct.</p> <p>16 Q Full operations, I should say.</p> <p>17 How far in advance, if any, of that August 31st</p> <p>18 update did you learn that the restrictions on aviation</p> <p>19 services would be lifted?</p> <p>20 A I don't recall. I don't believe I had any</p> <p>21 foreknowledge of that.</p> <p>22 Q So as you sit here today, as you recall it, that</p> <p>23 you didn't learn that -- and -- or you didn't learn the</p> <p>24 restrictions would be lifted any time before August 31st?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 166</p> <p>1 A Well, I started trying to get the -- a --</p> <p>2 additional thing -- trying to figure out how to keep the</p> <p>3 airplanes from -- from rusting apart in place. Pulled one</p> <p>4 of the aircraft, eventually out of the water. You know, I</p> <p>5 don't know. There's -- you know, I did everything I</p> <p>6 could. Tried to get -- see if there were any other</p> <p>7 additional financing opportunities.</p> <p>8 Q In terms of the -- exploring other financing</p> <p>9 opportunities, what did you do there?</p> <p>10 A I think I had a conversation with my bank officer</p> <p>11 in which there was just no potential opportunity to get</p> <p>12 further financing.</p> <p>13 Q Did you evaluate any other further government</p> <p>14 assistance at that point?</p> <p>15 A We were evaluating everything that was in</p> <p>16 circulation at that time.</p> <p>17 Q And in terms of making efforts to maintain the</p> <p>18 aircraft, did you have any assistance with that, or was</p> <p>19 that just you?</p> <p>20 A It was basically me.</p> <p>21 Q Did you initiate any communications with the</p> <p>22 County or to try to otherwise get any information about</p> <p>23 when the restrictions on operations would be lifted?</p> <p>24 A I don't recall.</p> <p>25 I was certainly offered none.</p>	<p style="text-align: right;">Page 168</p> <p>1 Q And we'll go through, this is going to start --</p> <p>2 this is going to start really vague, and then we'll drill</p> <p>3 down into the details.</p> <p>4 But what did Seaplane do when it heard the news</p> <p>5 of the update to Appendix C-1?</p> <p>6 A We started scrambling to get ourselves together</p> <p>7 so we could reopen. It was --</p> <p>8 Q So --</p> <p>9 (Stenographer requested clarification.)</p> <p>10 THE WITNESS: -- it was Ana and I.</p> <p>11 BY MR. HALTER:</p> <p>12 Q And Ana was the person who was doing certain</p> <p>13 reception/administrative-type duties for you?</p> <p>14 A General management.</p> <p>15 Q General management.</p> <p>16 So let's -- let's go category -- category by</p> <p>17 category then. Starting with the insurance, how long did</p> <p>18 it take to get the insurance back in place to insure your</p> <p>19 flight activities?</p> <p>20 A I don't recall exactly how long that took.</p> <p>21 Q How long did it take to get the aircraft back</p> <p>22 into airworthy condition?</p> <p>23 A It took some work to get the one aircraft into</p> <p>24 airworthy condition. Our other Beaver has never been</p> <p>25 returned to airworthy condition. It is still out.</p>

# EXHIBIT 11

***CERTIFIED TRANSCRIPT OF:***

**Seaplane Adventures, LLC vs. County of Marin**

**SAUL AARON SINGER**

**Volume 2**

**Date: August 11, 2021**

**Reported by: Amanda Kallas**



**117 Paul Drive, Suite A San Rafael, CA 94903-2010**

**Main Office: 415-472-2361**

**depos@westcoastreporters.net www.westcoastreporters.net**

<p style="text-align: right;">Page 240</p> <p>1 Wednesday, August 11, 2021; Torrance, California</p> <p>2 10:04 A.M.</p> <p>3 ---oOo---</p> <p>4 THE STENOGRAPHER: Good afternoon. My name is</p> <p>5 Amanda Kallas, and I am a California Certified Shorthand</p> <p>6 Reporter, License No. 13901.</p> <p>7 The parties participating in this deposition</p> <p>8 acknowledge that I will be remotely stenographically</p> <p>9 reporting this proceeding pursuant to Federal Rules of</p> <p>10 Civil Procedure, Section No. 30.</p> <p>11 Counsel, if there is any objection to me, a</p> <p>12 California licensed deposition officer, administering a</p> <p>13 binding oath to a witness not appearing personally before</p> <p>14 me, please state your objection now.</p> <p>15 Hearing no objection, Mr. Singer, please raise</p> <p>16 your right hand to be sworn in.</p> <p>17 ---oOo---</p> <p>18 SAUL AARON SINGER,</p> <p>19 the witness, having been administered an oath in</p> <p>20 accordance with CCP Section 2094, testified as follows:</p> <p>21 THE WITNESS: I do.</p> <p>22 THE STENOGRAPHER: Thank you.</p> <p>23 Go ahead, Counsel.</p> <p>24 MR. HALTER: Thank you.</p> <p>25 //</p>	<p style="text-align: right;">Page 242</p> <p>1 MR. SHARP: Yes.</p> <p>2 BY MR. HALTER:</p> <p>3 Q And this is Exhibit 10 to this deposition.</p> <p>4 Mr. Singer, when we left off we were talking</p> <p>5 about these businesses here. And I believe we had talked</p> <p>6 a fair amount about AeroclubMarin, but just to confirm.</p> <p>7 With respect to each of these businesses, what I want to</p> <p>8 understand is -- is what you know about their operations</p> <p>9 between March and September of last year, 2020.</p> <p>10 We talked about AeroclubMarin and to paraphrase</p> <p>11 what I remember of your testimony, I believe you said that</p> <p>12 you believed that they had conducted certain operations,</p> <p>13 but that the only reason that you believe them to be</p> <p>14 conducting any operations was by reviewing their</p> <p>15 advertising.</p> <p>16 Is that correct?</p> <p>17 A That is correct for AeroclubMarin.</p> <p>18 Q Thank you.</p> <p>19 And with respect to AeroclubMarin, I asked about</p> <p>20 any reason you might have to believe that the County knew</p> <p>21 anything about AeroclubMarin's operations from that March</p> <p>22 through September time frame. And I believe your response</p> <p>23 to that was something to the effect of, you know, Marin</p> <p>24 County owns the airport and runs the airport, and you</p> <p>25 didn't have any basis to believe that the County knew</p>
<p style="text-align: right;">Page 241</p> <p>1 EXAMINATION</p> <p>2 BY MR. HALTER:</p> <p>3 Q Again good afternoon, Mr. Singer, nice to see you</p> <p>4 again. As you just heard from the court reporter, the</p> <p>5 oath that you just took is the same -- well, the same oath</p> <p>6 you took during the first day of our deposition. I would</p> <p>7 also note that all of the rules and guidance I was</p> <p>8 offering last time apply here today.</p> <p>9 Do you need me to repeat any of that? Or do you</p> <p>10 understand that all applies here today the same as it did</p> <p>11 the last time we talked?</p> <p>12 A I understand. I do not need repetition.</p> <p>13 Q Thank you, Mr. Singer.</p> <p>14 So where we left off, I believe we were speaking</p> <p>15 about Paragraph 86 of Exhibit 10. So what I'll do is pull</p> <p>16 that back up.</p> <p>17 (Exhibit 10 was previously marked</p> <p>18 for identification.)</p> <p>19 BY MR. HALTER:</p> <p>20 Q And we'll go from there as if it were just</p> <p>21 another extension of that day. Give me one second here.</p> <p>22 MR. HALTER: All right. Do you all see on your</p> <p>23 screen Page 16 of the document that was filed, that</p> <p>24 Document 21, in this matter?</p> <p>25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 243</p> <p>1 anything about AeroclubMarin's operations other than by</p> <p>2 the fact that they owned and operated the airport.</p> <p>3 Is that a fair summary of what you said?</p> <p>4 A I'm sorry, I -- I completely do not understand</p> <p>5 the question.</p> <p>6 Q Thank you for letting me know, Mr. Singer,</p> <p>7 because that -- that question probably took a page and</p> <p>8 I -- I should just break it down into smaller bites.</p> <p>9 Do you believe that the County knew anything</p> <p>10 about AeroclubMarin's operations, if any, during that</p> <p>11 March through September time frame?</p> <p>12 A I would have no way of knowing that.</p> <p>13 Q Thank you.</p> <p>14 Let's go to Scanlon Aviation. And I think what I</p> <p>15 will do today is just ask what operations do you know</p> <p>16 Scanlon Aviation provided between March and September of</p> <p>17 last year?</p> <p>18 A Part 135 operations and -- and charter and -- and</p> <p>19 flight instruction.</p> <p>20 Q Okay. So when you said Part 135 charter</p> <p>21 operations, is that what we've been referring to in this</p> <p>22 deposition as charter flights?</p> <p>23 A That is correct.</p> <p>24 Q And you said that they were also providing flight</p> <p>25 instruction; is that right?</p>

<p style="text-align: right;">Page 244</p> <p>1 A That is correct.</p> <p>2 Q With respect to their charter flights, what do</p> <p>3 you know about what charter flights they were providing</p> <p>4 between March and September of 2020?</p> <p>5 A I know and observed that they were conducting</p> <p>6 flights during that time. Their aircraft are well marked.</p> <p>7 Q I see.</p> <p>8 And this is -- I'm sorry, I should back up.</p> <p>9 You mention -- or you testified earlier that you</p> <p>10 spend some time at Gness Field -- you spent some time at</p> <p>11 Gness Field between March and September of last year; is</p> <p>12 that right?</p> <p>13 A That is correct.</p> <p>14 Q And what was the nature of your -- your presence</p> <p>15 there?</p> <p>16 A I have a hangar at Gness Field and I go there</p> <p>17 often.</p> <p>18 Q What hangar is it?</p> <p>19 A Charlie 802.</p> <p>20 Q And what do you -- what's the nature of your</p> <p>21 interest in that hangar? Do you lease it?</p> <p>22 A I own it.</p> <p>23 Q Do you lease it to anyone else?</p> <p>24 A I do not.</p> <p>25 Q What do you keep in that hangar?</p>	<p style="text-align: right;">Page 246</p> <p>1 A Well, we had a -- we had to disassemble the</p> <p>2 Super Cub, and so had to figure out a way to get parts of</p> <p>3 the aircraft there. And the other aircraft have to be</p> <p>4 tended to, and I would sometimes work out of my hangar.</p> <p>5 Q When you said "disassemble the Super Cub," when</p> <p>6 was that?</p> <p>7 A I -- I'm not sure exactly when that happened.</p> <p>8 Q Can you give me your best estimate of when that</p> <p>9 happened?</p> <p>10 A Yeah, I -- I honestly couldn't. I would have to</p> <p>11 go back and find out when we did that.</p> <p>12 Q What was the reason you had to disassemble the</p> <p>13 Super Cub?</p> <p>14 A Because it was rusting in place.</p> <p>15 Q Was this -- in order to place it in time, was</p> <p>16 this need to disassemble the Super Cub, do you remember it</p> <p>17 being after August of 2020?</p> <p>18 A I do not remember.</p> <p>19 Q So it's possible that it was -- it had rusted in</p> <p>20 place in March 2020; is that right?</p> <p>21 A I don't know.</p> <p>22 Q Okay. So is it possible that you had no use of</p> <p>23 the -- the Super Cub from March 2020 forward?</p> <p>24 A I don't know.</p> <p>25 Q How would you go about finding out with more</p>
<p style="text-align: right;">Page 245</p> <p>1 A Aircraft.</p> <p>2 Q What kind of aircraft?</p> <p>3 (Stenographer requested clarification.)</p> <p>4 THE WITNESS: Various parts and stuff.</p> <p>5 BY MR. HALTER:</p> <p>6 Q What aircraft do you keep in that hangar?</p> <p>7 A A 1931 Great Lakes and parts of the Super Cub.</p> <p>8 Q Between March and September of 2020, how often</p> <p>9 were you visiting that -- Gness Field, in general?</p> <p>10 A Fairly often.</p> <p>11 Q My audio cut out. I'm sorry, Mr. Singer, what</p> <p>12 was your response?</p> <p>13 A Fairly often.</p> <p>14 Q And can you be more specific as to what that</p> <p>15 means?</p> <p>16 A I don't know how to be more specific than that.</p> <p>17 Q I --</p> <p>18 A I don't have the -- I didn't keep a list of</p> <p>19 dates.</p> <p>20 Q When you say "fairly often," do you mean several</p> <p>21 times a day? Or several times a week? Or several times a</p> <p>22 month?</p> <p>23 A Often multiple times a week, during that period.</p> <p>24 Q And what would you be -- what would be the</p> <p>25 purpose of your visit several times a week in that period?</p>	<p style="text-align: right;">Page 247</p> <p>1 detail or more specificity when it was that the Super Cub</p> <p>2 needed to be disassembled?</p> <p>3 A I can go into the maintenance logs and get that</p> <p>4 information.</p> <p>5 Q And where are the maintenance logs?</p> <p>6 A They're at Seaplane Adventures.</p> <p>7 Q Is it your recollection, as you sit here today,</p> <p>8 that you had the use of the -- the Super Cub in June 2020?</p> <p>9 A I don't remember. I haven't focused on that</p> <p>10 aircraft in a long time.</p> <p>11 Q What I'm trying to get at, Mr. Singer, is part of</p> <p>12 the tricky part of this case is trying to figure out that,</p> <p>13 even if -- you know, if you're successful in your claims</p> <p>14 against the County, how to figure out what the measure of</p> <p>15 damages would be.</p> <p>16 And what I'm trying to understand, as we sit here</p> <p>17 today, is whether or not you are claiming that you lost</p> <p>18 the use of the sipe -- the Piper superclub -- Cub as a</p> <p>19 result of the restrictions on your operations between July</p> <p>20 and August of 2020?</p> <p>21 A I actually have not focused on that aircraft as</p> <p>22 part of our damages, because we can conduct instruction in</p> <p>23 the 123 Juliette Lima.</p> <p>24 Q What is the 123 Juliette Lima?</p> <p>25 A That's the Beaver, the other --</p>

<p style="text-align: right;">Page 248</p> <p>1 Q That's --</p> <p>2 A -- Beaver.</p> <p>3 Q That's the --</p> <p>4 A We have two Beavers.</p> <p>5 Q That's the second Beaver with the second yoke; is</p> <p>6 that right?</p> <p>7 A Correct.</p> <p>8 Q And my understanding was that second Beaver has</p> <p>9 been out of commission since August 2020; is that right?</p> <p>10 A That is correct.</p> <p>11 Q As far as that time period between March and</p> <p>12 September, what do you remember about your activities at</p> <p>13 Gness Field other than disassembling the Super Cub?</p> <p>14 A As I said, I work there. I use that as an office</p> <p>15 often, during that time.</p> <p>16 Q In terms of how you would spend your time when</p> <p>17 you visited Gness Field, were you more -- were you</p> <p>18 spending more time inside your hangar, or were you</p> <p>19 spending time in other parts of the airport?</p> <p>20 A Well, you have to travel through other parts of</p> <p>21 the airport and the bathrooms are at the other side of the</p> <p>22 airport, so occasionally, I would have to go and -- and go</p> <p>23 to the other side. But most of the time was in my hangar.</p> <p>24 Q And does your hangar -- when you're -- when you</p> <p>25 were in your hangar, would the -- the hangar door usually</p>	<p style="text-align: right;">Page 250</p> <p>1 flights Scanlon Aviation took in that period?</p> <p>2 A I do not have any knowledge of that.</p> <p>3 Q Do you have any knowledge about the frequency</p> <p>4 with which charter -- Scanlon Aviation conducted any</p> <p>5 charter flights?</p> <p>6 A I do not have any precise knowledge of that other</p> <p>7 than what I observed.</p> <p>8 Q And what did you observe?</p> <p>9 A That Scanlon Aviation was flying fairly often out</p> <p>10 of Gness.</p> <p>11 Q And when you say "fairly often," what do you</p> <p>12 mean?</p> <p>13 A On a weekly basis.</p> <p>14 Q So once a week?</p> <p>15 A Many times per week, sometimes.</p> <p>16 Q Okay. And how many is "many times per week"?</p> <p>17 A I couldn't be precise.</p> <p>18 Q Well, is it 1,000 or is it 100?</p> <p>19 A Certainly not 1,000.</p> <p>20 Q Okay. Is it 100?</p> <p>21 A I -- I -- as I said, I couldn't be precise.</p> <p>22 Q Okay. But I'm not asking for precision. I'm</p> <p>23 just asking, is it 5 or is it 100?</p> <p>24 A I -- I couldn't -- I -- I'm not even going to</p> <p>25 venture a guess.</p>
<p style="text-align: right;">Page 249</p> <p>1 be open when you were working in there?</p> <p>2 A Yes.</p> <p>3 Q And what is the view outside the hangar door when</p> <p>4 it's open?</p> <p>5 A To other hangars and the runway.</p> <p>6 Q So you have a full view of the runway when you</p> <p>7 are working in your hangar at Gness Field?</p> <p>8 A Partial view of the runway.</p> <p>9 Q Let's go back to Exhibit 10, talking about</p> <p>10 Scanlon Aviation. You said they were providing charter</p> <p>11 flights and flight instruction between March and</p> <p>12 September 2020; is that right?</p> <p>13 A That is correct.</p> <p>14 Q Now, taking the charter flights first, do you</p> <p>15 have any knowledge -- what knowledge, if any, do you have</p> <p>16 regarding where those charter flights were destined to</p> <p>17 fly?</p> <p>18 A I do not have knowledge of that.</p> <p>19 Q Do you have any knowledge about who was in those</p> <p>20 charter flights?</p> <p>21 A I do not have any knowledge of that.</p> <p>22 Q Do you have any knowledge about how many people</p> <p>23 were in those charter flights?</p> <p>24 A I do not have any knowledge of that.</p> <p>25 Q Do you have any knowledge about how many charter</p>	<p style="text-align: right;">Page 251</p> <p>1 Q Okay. So as you sit here today, it could have</p> <p>2 been five?</p> <p>3 A It could have been 50.</p> <p>4 Q But it could have been five?</p> <p>5 A It was more like 50.</p> <p>6 Q Okay. So as you sit here today, it was closer to</p> <p>7 50 flights per week that Scanlon was taking and that you</p> <p>8 saw during the period March through September 2020?</p> <p>9 A As I said, I cannot be precise about that number.</p> <p>10 Q I'm not asking you to be precise. I'm asking you</p> <p>11 to give me more detail about what you saw and what you</p> <p>12 remember.</p> <p>13 So do you have a memory of Scanlon Aviation</p> <p>14 taking approximately 50 flights per week during this March</p> <p>15 through September 2020 time frame?</p> <p>16 A I observed several flights that Scanlon was</p> <p>17 making on a weekly basis.</p> <p>18 Q Okay. And what -- when you say --</p> <p>19 A And it's -- and it's less than -- it's less than</p> <p>20 100. How about that?</p> <p>21 Q That's -- that's something better than -- it is</p> <p>22 better than nothing.</p> <p>23 But is it less -- you mentioned earlier the --</p> <p>24 the figure of 50 and then you also mention -- mentioned</p> <p>25 several.</p>

<p style="text-align: right;">Page 252</p> <p>1 A I don't know. You're trying to force me to give 2 you a number, and -- and I just don't have that number. 3 And I've told you multiple times that I can't be precise 4 about it, and I'm -- I'm -- I can't say anything more than 5 that, Counselor. 6 Q Okay. And I'm not asking you to be precise, 7 Mr. Singer, but this is -- 8 A You're -- you're trying to force me to give you a 9 number. 10 MR. SHARP: Aaron, he's entitled to your best 11 estimate. 12 MR. HALTER: I am entitled to your best estimate. 13 And I am entitled to answers that are responsive to my 14 questions. 15 THE WITNESS: I'm being responsive. 16 MR. HALTER: And that's why this deposition, if 17 necessary, will have to continue and it will have to go 18 for multiple days if I can't answer -- get answers to the 19 questions that I'm actually answering as opposed to 20 questions that I'm not answer -- asking. 21 MR. SHARP: Well, wait a minute here. Let's draw 22 a line between answers that you have in your head that you 23 want, Brandon, and answers that he is required to give, 24 which he has. I'm allowing some leeway here, but he's 25 trying to give you his best estimate.</p>	<p style="text-align: right;">Page 254</p> <p>1 others. 2 Q Okay. And I'm talking right now about Scanlon. 3 And as I understand you today, what you're saying is you 4 observed several flights from Scanlon per week, but you 5 can't give me any more spec -- specificity than that; is 6 that fair to say? 7 A That is what I've said multiple times. 8 Q Could you tell whether the flights that you 9 observed were charter flights or flights for flight 10 instruction? 11 A No, I cannot. 12 Q Do you otherwise have any understanding as to 13 whether any of those flights were charter flights or 14 flight instruction? 15 A No, I cannot. 16 Q So you don't know anything about those flights 17 other than observing that they had the markings of a 18 Scanlon Aviation aircraft? 19 A That's correct. 20 Q Let's go to CB Skyshare. What can you tell me 21 about their operations from -- between March and 22 September 2020? 23 A They are a Part 135 carrier. And I -- in the 24 same way, several flights on a weekly basis. 25 Q So if I understand what you're saying, what</p>
<p style="text-align: right;">Page 253</p> <p>1 MR. HALTER: Exactly. And that is exactly what I 2 want. And I will be very clear, I don't have a specific 3 answer that I want. I don't really care if it's 1,000. I 4 don't care if it's one. What I care about is not getting 5 surprised later by testimony that's inconsistent with what 6 I'm hearing today. 7 So when I hear "I can't be specific," I don't 8 want to hear later, "oh, well, actually I remember it was 9 more like 25, I went and looked it up." 10 So that's what I'm trying to do is try to make 11 sure that I understand what you remember. 12 I'm not trying to trick you into some answer 13 versus another. I'm just trying to understand what is the 14 best possible estimate that I can get. And in terms of 15 you saying at one point 50, and at one point several, I'm 16 trying to understand, how can I clarify what those two 17 answers really mean. 18 BY MR. HALTER: 19 Q So when you say you saw several flights a week 20 per -- sorry -- several flights a week from Scanlon, can 21 you give me any more detail than several? 22 A I can't. As I said, I can't be precise. It's 23 probably less than 50, but I have no idea. I didn't sit 24 there with a clipboard and tick off flights. I observed 25 several flights from Scanlon, CB Airshare, Surf Air, and</p>	<p style="text-align: right;">Page 255</p> <p>1 you're saying is CB Skyshare provided charter flights 2 during the September to September -- sorry -- the March to 3 September 2020 time frame? 4 A That is correct. 5 Q And you observed several CB Skyshare flights per 6 week in that time frame? 7 A Correct. 8 Q Do you know if CB Skyshare provides any other 9 services than charter flights? 10 A Fuel. 11 Q I'm sorry? 12 A Fuel. 13 Q Like they sell fuel? 14 A They sell fuel at Gnos. 15 Q Do they do any flight instruction? 16 A They do not, to -- to my knowledge. 17 Q Do they do any scenic flights? 18 A I don't know that. 19 Q And I forgot to ask that about Scanlon. Does 20 Scanlon do any scenic flights, to your knowledge? 21 A I don't know that. He might. 22 Q So same set of questions with respect to 23 CB Skyshare. Do you have any knowledge with respect to 24 what destination CB Skyshare may have been flying to in 25 that March or -- through September 2020 time frame?</p>

<p style="text-align: right;">Page 256</p> <p>1 A I do not.</p> <p>2 Q Do you have any knowledge about how many</p> <p>3 passengers CB Skyshare may have been carrying in those</p> <p>4 flights?</p> <p>5 A I do not, except for they operate large aircraft.</p> <p>6 Q So your assumption would be that they wouldn't be</p> <p>7 flying unless they had multiple people inside; is that</p> <p>8 correct?</p> <p>9 A That's a safe assumption.</p> <p>10 Q Do you have any idea or any knowledge as to what</p> <p>11 purpose they would be flying -- or those -- those</p> <p>12 passengers would be flying for?</p> <p>13 A I do not.</p> <p>14 Q And I'll try to be a little less repetitive about</p> <p>15 this, because I understand your perspective, but I'm just</p> <p>16 trying to get more clarity. When you say you saw</p> <p>17 CB Skyshare flights several times per week in this March</p> <p>18 through 2020 -- September 2020 time frame, can you be any</p> <p>19 more specific about the number that you -- number of</p> <p>20 flights that you saw?</p> <p>21 A I cannot be specific. Precise. I cannot be</p> <p>22 precise.</p> <p>23 MR. SHARP: Again, if you have an estimate, he's</p> <p>24 entitled to your best estimate.</p> <p>25 THE WITNESS: Less than 50.</p>	<p style="text-align: right;">Page 258</p> <p>1 your best estimate of how many flights you observed</p> <p>2 CB Skyshare take in the average week from March 2020 to</p> <p>3 September 2020?</p> <p>4 A Could be 10, could be 20.</p> <p>5 Q In terms of Surf Air, what do you know about</p> <p>6 Surf Air?</p> <p>7 A Part 135 charter.</p> <p>8 Q So that means that they provide charter flights</p> <p>9 in your view?</p> <p>10 A They do.</p> <p>11 Q Do they provide -- provide flight instruction?</p> <p>12 A I don't know that. I don't believe they do.</p> <p>13 Q Do they provide scenic flights?</p> <p>14 A I don't know that, but I don't believe they do.</p> <p>15 I think they're pure Part 135.</p> <p>16 Q So same set of questions with respect to</p> <p>17 Surf Air. About -- or what's your best estimate of how</p> <p>18 many flights on a per-week basis you saw Surf Air taking</p> <p>19 between March 2020 and September 2020?</p> <p>20 A Same volume as CB Airshare --</p> <p>21 Q And --</p> <p>22 A CB Skyshare.</p> <p>23 Q I'm sorry, I interrupted you again, Mr. Singer.</p> <p>24 A And I'm sorry, I was correcting myself. I said</p> <p>25 CB Airshare, but it's CB Skyshare.</p>
<p style="text-align: right;">Page 257</p> <p>1 BY MR. HALTER:</p> <p>2 Q So here's the challenge for me, Mr. Singer. To</p> <p>3 me there's a -- there's a decent difference between the</p> <p>4 word "several" and "50." So which one is it? Is it you</p> <p>5 saw several flights from CB Skyshare? Or you saw up to 50</p> <p>6 flights from CB Skyshare?</p> <p>7 A I saw multiple flights from CB Skyshare per week</p> <p>8 when I was there, which means there were probably more</p> <p>9 than that. I only saw what I saw when I was there.</p> <p>10 Q Right. And I'm just asking for what you</p> <p>11 observed.</p> <p>12 Did you -- when you say "multiple," now that's a</p> <p>13 new word. What did you mean by "multiple"?</p> <p>14 A Multiple times per week. Multiple flights --</p> <p>15 Q Okay.</p> <p>16 A -- per week.</p> <p>17 Q Is that -- what is your best estimate as to what</p> <p>18 multiple means in numerical terms?</p> <p>19 A Could be 10, could be 20.</p> <p>20 Q Okay. But somewhere in that range is your best</p> <p>21 estimate?</p> <p>22 A Perhaps. As I said, I couldn't be precise. I</p> <p>23 wasn't taking a log.</p> <p>24 Q I'm not asking for precision.</p> <p>25 What I'm asking for is, as you sit here today,</p>	<p style="text-align: right;">Page 259</p> <p>1 Q And you said your best estimate was 10 to 20 per</p> <p>2 week?</p> <p>3 A About the same volume, yes.</p> <p>4 Q And I forgot to ask that about Scanlon, although</p> <p>5 you may have actually said it and I forgot. So I</p> <p>6 apologize if it was me being forgetful.</p> <p>7 But would you apply the same estimate with</p> <p>8 respect to the number of flights per week from Scanlon on</p> <p>9 their charter flights between March and September?</p> <p>10 A On their flights, yes.</p> <p>11 Q You hesitated a little bit before you answered</p> <p>12 there, was there a reason?</p> <p>13 A They do both Part 135 charter and flight</p> <p>14 instruction.</p> <p>15 Q Okay. But I don't -- I -- as I remember your</p> <p>16 testimony, you didn't make a distinction between the</p> <p>17 flights that were taking off for charter flights and the</p> <p>18 flights that were taking off for flight instruction for</p> <p>19 Scanlon.</p> <p>20 A That's right. And I'm -- I'm just -- I'm just</p> <p>21 reaffirming that distinction. I don't know what was what</p> <p>22 with Scanlon. I just know that they were flying.</p> <p>23 Q Okay. And so with Scanlon, the same estimate</p> <p>24 applies in terms of your best estimate as to number of</p> <p>25 flights per week between March and September, and to be</p>

<p style="text-align: right;">Page 260</p> <p>1 more specific, that means between 10 and 20 flights</p> <p>2 approximately per week?</p> <p>3 A It may have been that, yes.</p> <p>4 Q Is that your best estimate?</p> <p>5 A It's my best guess.</p> <p>6 Q In terms of Surf Air's operations, the -- the</p> <p>7 charter flights -- so same set of questions about</p> <p>8 destinations and occupants. Could you tell -- or do you</p> <p>9 know, if anything, where those flights were taking off to?</p> <p>10 A I don't.</p> <p>11 Q I'm sorry, that was a mess of a question. I -- I</p> <p>12 shudder to think how it appears on a transcript.</p> <p>13 But I think --</p> <p>14 A I know Surf Air does a lot of charter to Tahoe.</p> <p>15 Q But it -- as you sit here today, you don't know</p> <p>16 where Surf Air was flying when it was taking those flights</p> <p>17 between March and September 2020?</p> <p>18 A I don't know.</p> <p>19 Q And you -- do you know anything about how many</p> <p>20 passengers Surf Air's flights were carrying during that</p> <p>21 time period?</p> <p>22 A I don't know. Similar to CB Skyshare, they fly</p> <p>23 larger aircraft.</p> <p>24 Q And do you have any knowledge about the reasons</p> <p>25 any passengers in those aircraft may have had to be</p>	<p style="text-align: right;">Page 262</p> <p>1 answer.</p> <p>2 A My understanding is that they perform Part 135</p> <p>3 operations out of all locations.</p> <p>4 Q Do you know where they keep the helicopters when</p> <p>5 they are not operating?</p> <p>6 A I don't know. I believe Oakland, but I -- I</p> <p>7 can't be for sure.</p> <p>8 Q At Gness, have you observed them have any, like,</p> <p>9 physical location there in terms of office space or hangar</p> <p>10 space?</p> <p>11 A No, they just operate out of Gness.</p> <p>12 Q So when you say "operate," that means they take</p> <p>13 off and land?</p> <p>14 A Take off, land, refuel.</p> <p>15 Q And then same question as to Sausalito. Do they</p> <p>16 have office space in Sausalito?</p> <p>17 A They do have office space in Sausalito. It's</p> <p>18 more of a counter.</p> <p>19 Q Let's break down their activities a little bit --</p> <p>20 with a little bit more detail.</p> <p>21 What do you remember about -- or what do you know</p> <p>22 about SF -- SF Helicopters's operations from March to</p> <p>23 July 2020?</p> <p>24 A They were operating.</p> <p>25 Q And is it fair to say you saw -- you observed</p>
<p style="text-align: right;">Page 261</p> <p>1 flying?</p> <p>2 A I would not have that knowledge.</p> <p>3 Q Let's move on to SF Helicopters. What do you</p> <p>4 know about SF Helicopters?</p> <p>5 A They're a very similar business to us, Part 135</p> <p>6 and air tours.</p> <p>7 Q So they do charter flights and also air tours; is</p> <p>8 that right?</p> <p>9 A That -- they -- that's correct, as Part 135</p> <p>10 operator.</p> <p>11 Q And where does SF Helicopters operate out of?</p> <p>12 Where are they based?</p> <p>13 A They are based in Oakland. And they operate out</p> <p>14 of Oakland, SFO, Sausalito, and Gness.</p> <p>15 Q Can you -- and I realize this is a very</p> <p>16 generalized question, and I'll try to get more specific.</p> <p>17 But can you give me an understanding of what</p> <p>18 their activities are in a general sense at each of those</p> <p>19 locations?</p> <p>20 A I couldn't.</p> <p>21 Q So do they --</p> <p>22 (Stenographer requested clarification.)</p> <p>23 BY MR. HALTER:</p> <p>24 Q And, Mr. Singer, I'm sorry I started talking</p> <p>25 before you had finished answering. So I will let you</p>	<p style="text-align: right;">Page 263</p> <p>1 them operating both in Sausalito and at Gness --</p> <p>2 A Yes.</p> <p>3 Q -- in that time period?</p> <p>4 A That is correct.</p> <p>5 Q How many flights, approximately speaking, per</p> <p>6 week did you observe SF Helicopters taking in that time</p> <p>7 period, March through July 2020?</p> <p>8 A I -- I -- I would have to say, I can't be precise</p> <p>9 about that. They generally do six flights a day out of</p> <p>10 Sausalito. And as to their operations of other locations,</p> <p>11 I wouldn't have knowledge of that.</p> <p>12 Q So let's break that down.</p> <p>13 You don't have any recollection of any specific</p> <p>14 number of flights from -- in or out of Gness Field from</p> <p>15 March to July 2020 by SF Helicopters?</p> <p>16 A We see their pilots here in Sausalito on a daily</p> <p>17 basis, and I do know that they were running charters to</p> <p>18 and out of Gness.</p> <p>19 Q And how do you know that?</p> <p>20 A From the pilots themselves.</p> <p>21 Q So they would -- they told you that they were</p> <p>22 running flights to and from Gness Field from the March</p> <p>23 through July 2020 time frame?</p> <p>24 A Pilots talk to each other, where are you going?</p> <p>25 What are you up to? So yes, we did know that they were</p>

<p style="text-align: right;">Page 264</p> <p>1 flying charter to Gness.</p> <p>2 Q I'm not asking what you know. What I'm asking is</p> <p>3 what they told you. So you're saying that --</p> <p>4 A They were flying charters to Gness.</p> <p>5 Q In the March through September 20 -- sorry,</p> <p>6 July -- I butchered that.</p> <p>7 Just to close the loop, you're saying that</p> <p>8 they're -- the helicopter pilots told you that they were</p> <p>9 running charter flights between Sausalito and Gness Field</p> <p>10 in between March and July 2020?</p> <p>11 A That is correct.</p> <p>12 Q And do you recall anything about the number of</p> <p>13 flights they flew?</p> <p>14 A No.</p> <p>15 Q Do you recall anything about the number of</p> <p>16 passengers that they had on any of those flights, if any?</p> <p>17 A No. They tended to -- to fly pretty full. Five</p> <p>18 to six passengers.</p> <p>19 Q Do you have any knowledge as to what purpose</p> <p>20 those passengers had for having flights on the Gness Field</p> <p>21 to Sausalito flights?</p> <p>22 A No.</p> <p>23 Q And is it fair to say that SF Helicopters also</p> <p>24 ran flights from -- between Sausalito and San Francisco or</p> <p>25 Oakland in that same time period, March through July 2020?</p>	<p style="text-align: right;">Page 266</p> <p>1 SF Helicopters's operations out of Sausalito between July</p> <p>2 and August 2020?</p> <p>3 A I don't recall.</p> <p>4 Q What do you recall, if anything, about</p> <p>5 SF Helicopters's operations out of Gness Field between</p> <p>6 July and August of 2020?</p> <p>7 A Only what I've heard from the pilots; that they</p> <p>8 were occasionally doing charter out of there.</p> <p>9 Q Which pilots did you hear that from?</p> <p>10 A SF Helicopters pilots.</p> <p>11 Q Is there more than one of them?</p> <p>12 A I don't know what their pilot roster is.</p> <p>13 Q Okay. But you talked to more than one</p> <p>14 SF Helicopter pilot about their operations in July and</p> <p>15 August 2020?</p> <p>16 A Yes.</p> <p>17 Q How many pilots did you speak to?</p> <p>18 A Whoever was flying at the time.</p> <p>19 Q Do you remember any of their names?</p> <p>20 A Yes.</p> <p>21 Q And what are their names that you remember?</p> <p>22 A Ron is really the -- the -- the one that I --</p> <p>23 that I can remember.</p> <p>24 Q Do you know his last name?</p> <p>25 A I don't.</p>
<p style="text-align: right;">Page 265</p> <p>1 A Yes, it is fair to say that.</p> <p>2 Q And is your knowledge of those flights also based</p> <p>3 on conversations with those pilots?</p> <p>4 A Direct observation. I'm not sure I understand</p> <p>5 your question.</p> <p>6 Q Fair point.</p> <p>7 So you -- could you observe where those pilots --</p> <p>8 where those helicopters were flying from your position in</p> <p>9 Sausalito?</p> <p>10 A Oh. No, we can't. But we're on the radios as</p> <p>11 we're -- you know, especially at -- when we're flying to</p> <p>12 their destinations. So -- but I can't be precise about</p> <p>13 where they were flying. I just know they were taking off</p> <p>14 at Sausalito.</p> <p>15 Q And do you know anything about -- or what do you</p> <p>16 know, if anything, about which of those flights were</p> <p>17 charter flights versus air tours?</p> <p>18 A Don't know.</p> <p>19 Q Now, from -- let's take the July through the</p> <p>20 August -- July through August 2020 time frame.</p> <p>21 What do you recall, if anything, about</p> <p>22 SF Helicopters's operations in Sausalito in that period?</p> <p>23 A I -- I'm sorry, I -- could you restate the first</p> <p>24 part of that question?</p> <p>25 Q What do you recall, if anything, about</p>	<p style="text-align: right;">Page 267</p> <p>1 Q Do you remember any -- speaking to any other</p> <p>2 pilots about SF Helicopters's operations in July and</p> <p>3 August 2020?</p> <p>4 A They have other pilots. I know SF Helicopters's</p> <p>5 has had many of the same problems we have where they have</p> <p>6 had a lot of pilots lost over the time period.</p> <p>7 Q So my question is:</p> <p>8 Do you remember speaking with any other</p> <p>9 SF Helicopters pilots about their operations between --</p> <p>10 A I do.</p> <p>11 Q -- July and August 2020?</p> <p>12 A I do, but I don't remember their names. Their --</p> <p>13 they -- they've had numerous pilots over the years.</p> <p>14 Q And what do you remember those SF Helicopter</p> <p>15 pilots telling you about their operations between July and</p> <p>16 August 2020?</p> <p>17 A That they were operating Part 135 charter.</p> <p>18 Q Anything else?</p> <p>19 A No. I'm not sure what...</p> <p>20 Q Do you -- did they ever mention anything about</p> <p>21 operating air tours between July and August 2020?</p> <p>22 A I don't know that.</p> <p>23 Q So as you sit here today, you have no knowledge</p> <p>24 about their -- SF Helicopters operating any air tours</p> <p>25 between July and August 2020?</p>

<p style="text-align: right;">Page 268</p> <p>1 A They're a separate company and if they were, you</p> <p>2 know, flying directly out of Sausalito, I don't know what</p> <p>3 they were doing.</p> <p>4 MR. HALTER: Amanda, can you read back the</p> <p>5 question?</p> <p>6 (Record read as follows:)</p> <p>7 THE STENOGRAPHER:</p> <p>8 Q So as you sit here today, you</p> <p>9 have no knowledge about their --</p> <p>10 SF Helicopters operating any air tours</p> <p>11 between July and August 2020?</p> <p>12 THE WITNESS: I don't have specific knowledge</p> <p>13 about that.</p> <p>14 BY MR. HALTER:</p> <p>15 Q Do you have any knowledge whatsoever about that?</p> <p>16 A That's a broad question. What -- what are you</p> <p>17 asking me?</p> <p>18 Q Well, I asked whether you have any knowledge</p> <p>19 about SF Helicopters operating air tours between July and</p> <p>20 August 2020, and I believe your answer was you have no</p> <p>21 specific knowledge.</p> <p>22 A Right.</p> <p>23 Q What I'm trying to understand --</p> <p>24 A I don't know.</p> <p>25 Q -- is, do you have any other knowledge?</p>	<p style="text-align: right;">Page 270</p> <p>1 County?</p> <p>2 A They have operated out of San Rafael. It's a</p> <p>3 private airport.</p> <p>4 Q As you sit here today, when do you remember them</p> <p>5 operating out of San Rafael's private airport?</p> <p>6 A Over the years.</p> <p>7 Q Do you remember them operating out of</p> <p>8 San Rafael's airport in 2020?</p> <p>9 A I do not.</p> <p>10 Q And I'm making a leap here based on their name.</p> <p>11 They fly helicopters; is that right?</p> <p>12 A Correct.</p> <p>13 Q Do they operate any -- operate any other</p> <p>14 aircraft, to your knowledge?</p> <p>15 A To my knowledge, no. But I -- I don't know.</p> <p>16 Q And you said they operate air tours, to your</p> <p>17 knowledge; is that right?</p> <p>18 A That is correct.</p> <p>19 Q Do they do any charter services?</p> <p>20 A I do not know.</p> <p>21 Q As you sit here today, do you know if they</p> <p>22 conducted any air tours in Marin County in 2020?</p> <p>23 A That's a -- a -- a fairly discreet airspace</p> <p>24 location. They were conducting air tours in the Bay area</p> <p>25 at that time.</p>
<p style="text-align: right;">Page 269</p> <p>1 A I don't have any knowledge of what SF Helicopters</p> <p>2 specifically was doing. It's not my company.</p> <p>3 Q Let's move down to the companies mentioned in</p> <p>4 Paragraph 88. You have two companies there. The first</p> <p>5 one, JSX Airline. What do you know about JSX Airline?</p> <p>6 A I need a second to read this. It's very small.</p> <p>7 Q I can blow it up for you. Sorry about that.</p> <p>8 A That'd be great. Thank you.</p> <p>9 Okay.</p> <p>10 Q So, Mr. Singer, what do you know about</p> <p>11 JSX Airline?</p> <p>12 A They're a charter operator out of the East Bay.</p> <p>13 Q Do they have any operations --</p> <p>14 A Actually, they're -- I believe they're part --</p> <p>15 they may be beyond Part 135 as well, but I don't know.</p> <p>16 I -- I didn't -- I don't know a ton about these guys.</p> <p>17 Q Do you know whether they have any -- JSX Airline</p> <p>18 has any operations in Marin County?</p> <p>19 A I don't know.</p> <p>20 Q What do you know about Geo Heli, the second</p> <p>21 company listed there?</p> <p>22 A Air tour company. They may do other things as</p> <p>23 well. But I don't know what -- I don't know whether</p> <p>24 they're Part 135 or -- or not.</p> <p>25 Q What airport do they operate out of in Marin</p>	<p style="text-align: right;">Page 271</p> <p>1 Q Okay. But my question is more, were they</p> <p>2 operating -- do you know whether they were operating out</p> <p>3 of Marin County in 2020?</p> <p>4 A I do not know.</p> <p>5 Q Scrolling back up to Paragraph 86 (reading):</p> <p>6 Seaplane alleges that the</p> <p>7 County permitted other similarly</p> <p>8 situated businesses in Marin County to</p> <p>9 continue operating. These businesses</p> <p>10 include, but are not limited to, charter</p> <p>11 boats and airlines operating out of</p> <p>12 Gness Field Airport. Just a few</p> <p>13 examples of other some businesses</p> <p>14 include.</p> <p>15 And then it has that list.</p> <p>16 What other businesses would fall within this</p> <p>17 description?</p> <p>18 MR. SHARP: Can you be more specific about "this</p> <p>19 description," Brandon?</p> <p>20 MR. HALTER: Sorry.</p> <p>21 BY MR. HALTER:</p> <p>22 Q The description that you're using here for the</p> <p>23 capitalized term "other businesses," and it has a list A</p> <p>24 through G of businesses that Seaplane considers</p> <p>25 capitalized term "other businesses." But the complaint</p>

<p style="text-align: right;">Page 272</p> <p>1 says that there are other businesses included in that 2 definition that aren't listed here, and I'm wondering what 3 other businesses are there that fall within this 4 definition, to you? 5 A There were charter boat businesses operating out 6 of Sausalito and out of -- all -- all over the Bay area. 7 Q Is there any other -- I'm sorry to keep using 8 that term -- are there any other businesses other than the 9 charter boat businesses that are -- 10 A I don't know. 11 Q -- included in this definition, but not listed on 12 this page? 13 A There were bus tour businesses that were also 14 starting to operate at that time. 15 Q Okay. Anything else? 16 A I mean, the economy was opening up, so there were 17 a lot of businesses operating. 18 Q I understand that. 19 And I -- again, Mr. Singer, I'm not trying to 20 trick you. I'm not trying to trick you into making 21 admissions you're not making. What I'm trying to get is 22 information about what you're alleging against my client 23 and not alleging. And it seems like what this complaint 24 is saying, is there are these categories of businesses out 25 there called other businesses, it's a capitalized term in</p>	<p style="text-align: right;">Page 274</p> <p>1 anything else other than boat charters, bus tours, and a 2 company called Sea Trek; is that right? 3 A Yes. Well, if you're going to be broad, the -- 4 the malls were opening up. There were several restaurants 5 that were opening up indoor services. Indoor retail was 6 opening up. 7 Q Mr. Singer, this isn't my term. I'm not being 8 broad. What I'm asking is: 9 What is Seaplane -- what is Seaplane saying that 10 the County did in terms of the way it should have treated 11 these businesses. 12 A And I'm -- I'm answering your question. 13 Q Okay. 14 A Best of my ability. 15 Q So in your mind, the similarly situated 16 businesses that Marin continued -- or allowed to continue 17 operating, and that's the term that you've defined in 18 your -- the -- the other businesses, capitalized term, 19 includes charter boats, bus tours, a company called 20 Sea Trek, malls, restaurants -- 21 A And -- and I would say -- 22 MR. SHARP: Aaron -- 23 BY MR. HALTER: 24 Q I -- Mr. Singer, I -- I need to finish. 25 A Sorry. My fault.</p>
<p style="text-align: right;">Page 273</p> <p>1 your complaint, and some of them are listed here, but 2 there's others out there that are not listed. 3 So far you've listed -- you've told me that other 4 businesses also includes charter boat companies and tour 5 bus operators. Are there any others beyond that? 6 A There may be. Those were -- those are the ones 7 that I can think of right now when you're asking me the 8 question. 9 Q So as you sit here today, you can't identify any 10 other businesses, specifically? 11 A I can -- I don't understand the question. I -- 12 I -- I can identify lots of businesses. 13 Q Right. 14 But I'm looking for businesses that you would 15 consider to fall under the definition of other businesses, 16 the capitalized term here. 17 A Yes. 18 Q Okay. And what are they? 19 A As I said, boat charter. There were tour bus -- 20 tour -- bus tours that were operating. There were also 21 other businesses at the time. Sea Trek, which is kayaks 22 and things of that nature. 23 Q Anything else? 24 A Not that I can think of this moment. 25 Q So as you sit here today, you cannot think of</p>	<p style="text-align: right;">Page 275</p> <p>1 Q Malls, restaurants, and indoor retail; is that 2 right? 3 A That's correct. 4 Q Are there any other categories that you would 5 include within that definition? 6 A Well, in -- in the vein of Sea Trek, other 7 outdoor and tour-related businesses. 8 Q Anything else? 9 A Not that I can think of at this moment. 10 Q What can you tell me about Sea Trek and other 11 outdoor tour-related businesses, what you meant by that? 12 A Their boat tour -- boat tour, boat charter 13 businesses. The Bay Model, Matthew Turner, which are all 14 operating in the -- in the -- in similar business segments 15 to Seaplane. 16 Q And as far as -- as -- none of these companies 17 that you've just mentioned operate aircraft; is that 18 right? 19 A That is correct. 20 Q All right. Mr. Singer, I'm going to switch to 21 Exhibit 8, which I -- what I premarked as Exhibit 8. 22 (Exhibit 8 was 23 marked for identification.) 24 MR. HALTER: Pulling that up on your screen, it's 25 a document marked Plaintiff Seaplane Adventures, LLC's</p>